

THEODORE J. BOUTROUS JR., SBN 132099
 tboutrous@gibsondunn.com
 RICHARD J. DOREN, SBN 124666
 rdoren@gibsondunn.com
 DANIEL G. SWANSON, SBN 116556
 dswanson@gibsondunn.com
 JAY P. SRINIVASAN, SBN 181471
 jsrinivasan@gibsondunn.com
 GIBSON, DUNN & CRUTCHER LLP
 333 South Grand Avenue
 Los Angeles, CA 90071
 Telephone: 213.229.7000
 Facsimile: 213.229.7520
 VERONICA S. MOYÉ (Texas Bar No.
 24000092; *pro hac vice*)
 vmoye@gibsondunn.com
 GIBSON, DUNN & CRUTCHER LLP
 2100 McKinney Avenue, Suite 1100
 Dallas, TX 75201
 Telephone: 214.698.3100
 Facsimile: 214.571.2900

MARK A. PERRY, SBN 212532
 mperry@gibsondunn.com
 CYNTHIA E. RICHMAN (D.C. Bar No.
 492089; *pro hac vice*)
 crichman@gibsondunn.com
 GIBSON, DUNN & CRUTCHER LLP
 1050 Connecticut Avenue, N.W.
 Washington, DC 20036
 Telephone: 202.955.8500
 Facsimile: 202.467.0539
 ETHAN DETTMER, SBN 196046
 edettmer@gibsondunn.com
 ELI M. LAZARUS, SBN 284082
 elazarus@gibsondunn.com
 GIBSON, DUNN & CRUTCHER LLP
 555 Mission Street
 San Francisco, CA 94105
 Telephone: 415.393.8200
 Facsimile: 415.393.8306
 Attorneys for Defendant APPLE INC.

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-
 defendant

v.

APPLE INC.,

Defendant,
 Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF RACHEL S. BRASS IN
 SUPPORT OF DEFENDANT APPLE INC.'S
 ADMINISTRATIVE MOTION TO SEAL
 PX-2339**

1 Pursuant to Civil Local Rule 79-5, I hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar
3 of this Court. I am a partner at the law firm Gibson, Dunn & Crutcher LLP, counsel of record for
4 Defendant Apple Inc. (“Apple”) in this case. I have personal knowledge of the facts stated below and,
5 if called as a witness, I could and would testify competently thereto.

6 2. I submit this declaration pursuant to Local Rules 79-5(d)–(e) in support of Apple’s
7 Administrative Motion to Seal PX-2339.

8 3. PX-2339 is an agreement between Apple and AMZON Mobile LLC (“Amazon”), which
9 Epic has included on its exhibits list. The agreement requires the parties to take reasonable steps to
10 maintain the confidentiality of the agreement.

11 4. On April 26, 2021, I caused to be sent to counsel for Amazon an email advising counsel
12 that the agreement appears on Epic’s exhibit list and may be offered as an exhibit at trial.

13 5. Apple is filing a provisional motion to seal the agreement so that Amazon may submit
14 a declaration in support of sealing, should it choose to do so.

15 I declare under penalty of perjury under the laws of the United States that the foregoing is true
16 and correct and that this Declaration was executed on April 28, 2021 at San Francisco, California.

17
18 /s/ Rachel S. Brass
19 Rachel S. Brass
20
21
22
23
24
25
26
27
28